

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT G. WYCKOFF,)	
)	
Plaintiff,)	
)	
-VS-)	
)	Civil Action No. 00-2248
METROPOLITAN LIFE INSURANCE COMPANY)	
and KENNETH F. KACZMAREK,)	
)	
Defendants.)	

AMBROSE, Chief District Judge.

MEMORANDUM ORDER OF COURT

Defendants have filed a Motion *in Limine* seeking to exclude irrelevant evidence regarding replacement, paid-up additions riders, and universal life policies identified by Plaintiff as Exhibits 32, 47, and 104. (Docket No. 73). Defendants first seek to exclude the Exhibits based on relevance. I disagree with Defendants. Defendants' concerns go to weight, not admissibility and can be dealt with on cross-examination. Moreover, the documents are relevant to show a business pattern and practice regarding vanishing premiums, an issue in this case. See, Fed. R. E. 401, 402, 406. Consequently, I will not exclude them on this basis.

Defendants next argue that the documents should be excluded because they are unfairly prejudicial to Defendants. After engaging in a thorough Rule 403 analysis, I disagree. I do not find that probative value to be substantially outweighed by the danger of unfair prejudice.

THEREFORE, this **26th** day of October, 2006, upon consideration of Defendants' Motion *in Limine* to Exclude Irrelevant Evidence Regarding Replacement, Paid-Up Additions Riders and Universal Life Policies (Docket No. 73) and the related submissions, it is ordered that said Motion is denied.

BY THE COURT:

/S/ Donetta W. Ambrose

Donetta W. Ambrose,
Chief U.S. District Judge